2

4

5

6

7

8

10

11

1213

14

1516

17

18

19

2021

22

23

24

2526

27

28

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

REX - REAL ESTATE EXCHANGE, INC.,

Plaintiff,

ZILLOW, INC., et al.,

v.

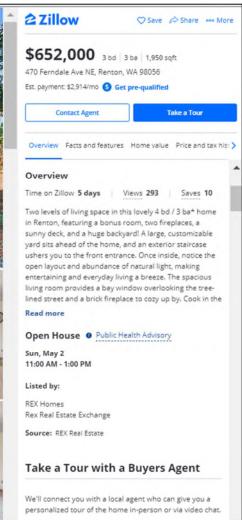
Defendants.

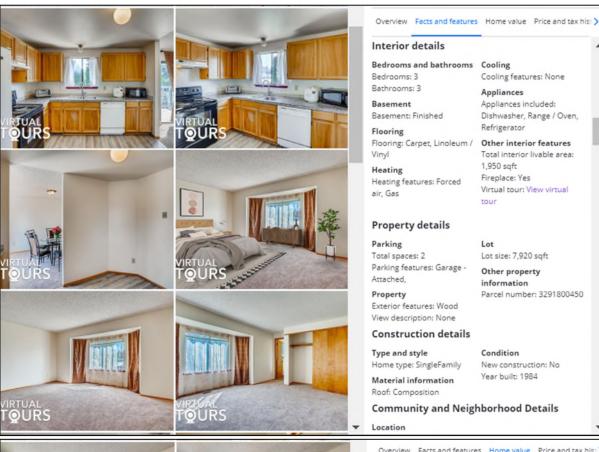
Case No. 2:21-CV-00312-TSZ

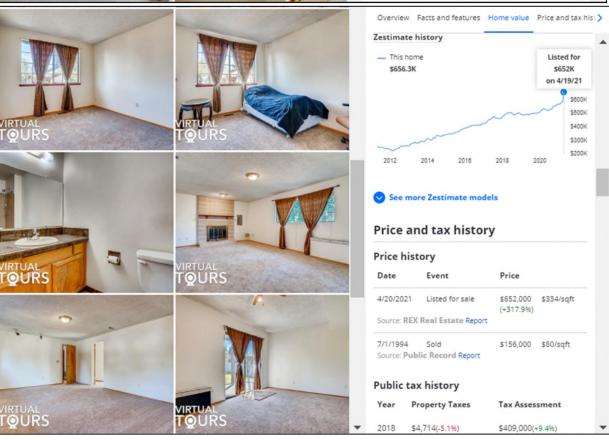
DECLARATION OF LAURA B. NAJEMY

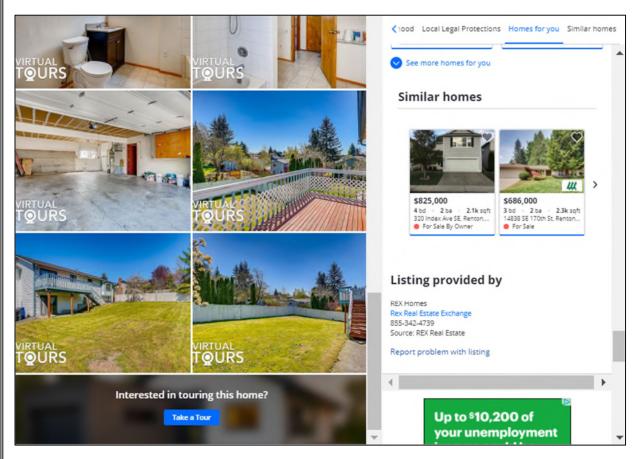
- I, Laura B. Najemy, declare as follows:
- 1. I am an associate at the law firm Orrick, Herrington & Sutcliffe LLP, counsel for defendants Zillow, Inc., Zillow Group, Inc., Zillow Homes, Inc., Zillow Listing Services, Inc., and Trulia, LLC (collectively "Zillow") in the above-captioned action. I have personal knowledge of the facts set forth in this declaration. If called as a witness I could and would competently testify to them under oath.
- 2. Set out below are screenshots showing portions of a REX listing on Zillow.com, as accessed via the "Other listings" tab:







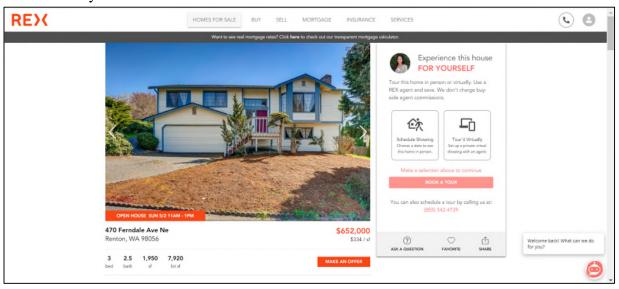




https://www.zillow.com/homedetails/470-Ferndale-Ave-NE-Renton-WA-

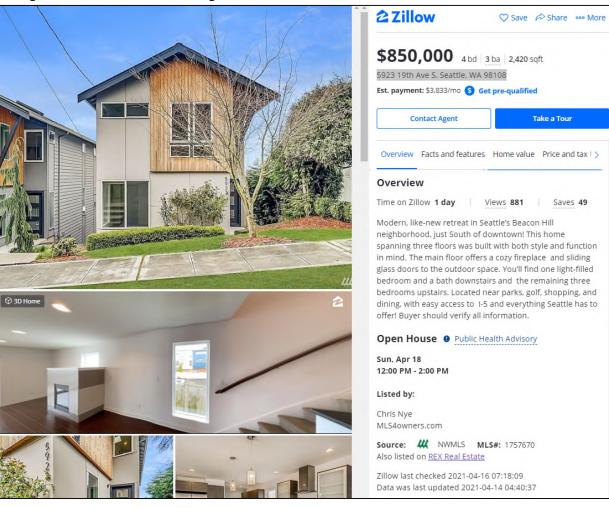
98056/48857586_zpid/ (screenshots taken on April 26, 2021).

In the "Facts and Features" section of the listing, if you click on "View virtual 3. tour" it takes you to the virtual tour hosted on REX's website:



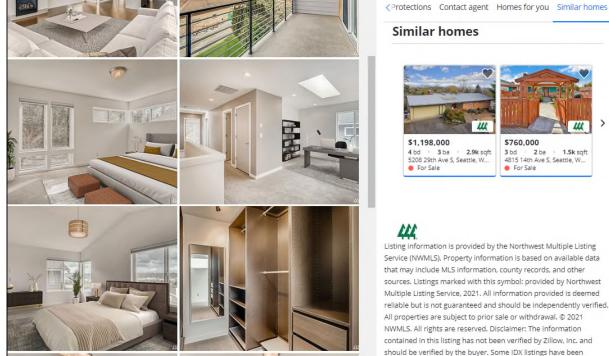
See https://www.rexhomes.com/listing/470-ferndale-ave-ne?utm_source=zillow&utm_medium=organic&utm_campaign=listing&utm_content=default (screenshot taken on April 26, 2021).

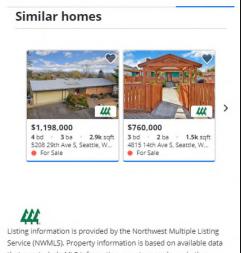
4. Set out below are screenshots from Zillow.com showing an example of a colisting. As can be seen, the listing indicates that it is "Also listed on REX Real Estate."











that may include MLS information, county records, and other sources. Listings marked with this symbol: provided by Northwest Multiple Listing Service, 2021. All information provided is deemed reliable but is not guaranteed and should be independently verified. All properties are subject to prior sale or withdrawal. © 2021 NWMLS. All rights are reserved. Disclaimer: The information contained in this listing has not been verified by Zillow, Inc. and should be verified by the buyer. Some IDX listings have been excluded from this website. Click here for more information

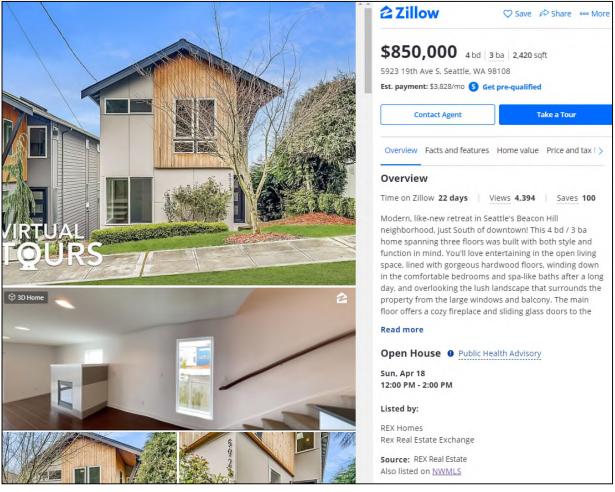
https://www.zillow.com/homes/5923-19th-Ave-S-Seattle,-WA,-

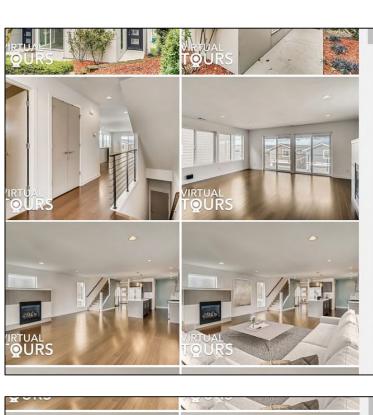
98108_rb/118001227_zpid/?altId=39001_1757670 (screenshot taken on April 16, 2021).

When you click on the hyperlink for REX Real Estate, next to "Also listed on," 5.

- 6 -

it takes you to the same property which is shown as listed by REX Real Estate:

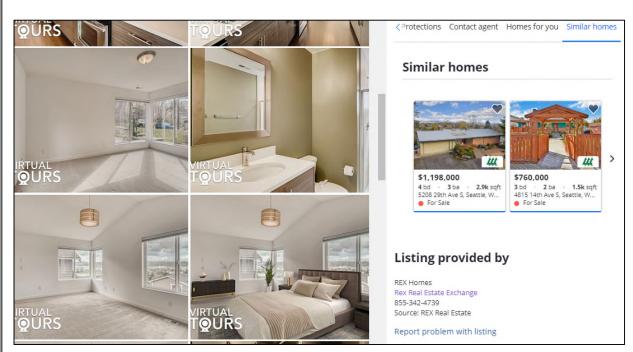








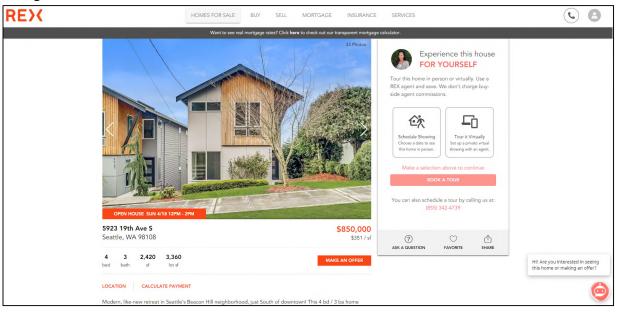
Price history				
Date	Event	Price		
3/24/202	21 Listed for sale	\$850,000 (+54.5%)	\$351/sqft	
Source: R	REX Real Estate Report			
11/10/20	014 Sold	\$550,000 (+129.2%)	\$227/sqft	
Source: N	IWMLS #663706 Report	rt		
	Public Record Report	\$240,000	\$99/sqft	
ublic	tax history			
Year	Property Taxes	Tax Asses	Tax Assessment	
2018	\$6,620(-3%)	\$751,000(\$751,000(+11.3%)	
2017	\$6,823(+40.5%)	\$675,000(\$675,000(+13.3%)	
			\$596,000(+15.1%)	



https://www.zillow.com/homes/5923-19th-Ave-S-Seattle,-WA,-

<u>98108_rb/118001227_zpid/?altId=bfdb08a1dec3843cce407da536bda808</u> (screenshots taken on April 16, 2021).

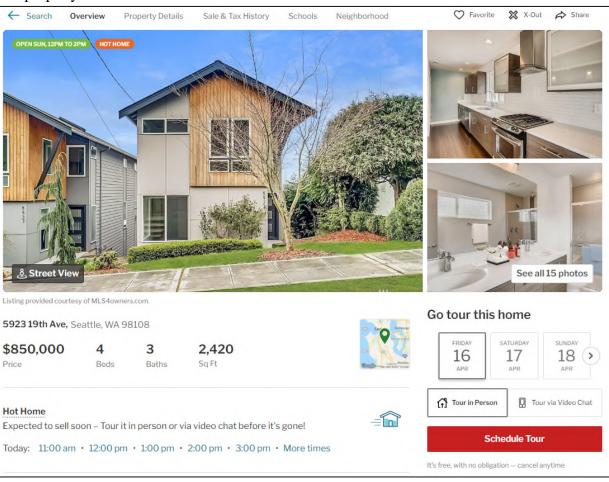
6. Like the previous listing shown above, when you click on "View virtual tour" in the "Facts and features" section of the property as listed by REX, you are taken directly to this listing on REX's website:



 $\underline{https://www.zillow.com/homes/5923-19th-Ave-S-Seattle,-WA,-}$

<u>98108_rb/118001227_zpid/?altId=bfdb08a1dec3843cce407da536bda808</u> (screenshot taken on April 16, 2021).

7. This same property is now also listed on Redfin.com. Below are screenshots of this property taken from Redfin's website:

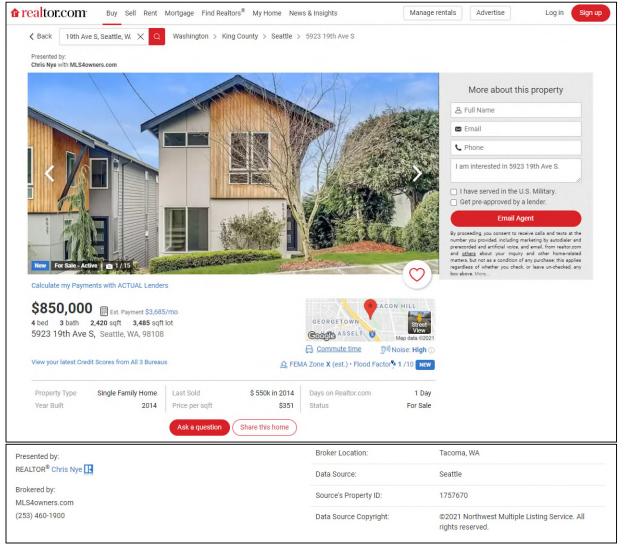


home spanning three fl	loors was built with both st	neighborhood, just South of do yle and function in mind. The por space. You'll find one light	main floor offers a
Continue reading 🗸			
Listed by Chris Nye • MLS Redfin last checked: <u>6 min</u>	4owners.com <u>uutes ago</u> Last updated Apr 14	, 2021 · Source: NWMLS ##	
Price Insights			
List Price	\$850,000	Est. Mo. Payment	\$3,574
Redfin Estimate	\$849,358	Price/Sq.Ft.	\$351
Home Facts			
Status	Active	Time on Redfin	2 days
Offer Review Date	Tuesday, April 20, 2021	Property Type	Residential
Year Built	2014	Style	Tri-Level
Community	Beacon Hill	Lot Size	3,360 Sq. Ft.
MLS#	1757670		



 $\underline{\text{https://www.redfin.com/WA/Seattle/5923-19th-Ave-S-98108/home/45464539}} \ (screen shot staken on April 16, 2021).$

8. This same property is now also listed on REALTOR.com. Below are screenshots of this property taken from REALTOR.com's website:



https://www.realtor.com/realestateandhomes-detail/5923-19th-Ave-

- S_Seattle_WA_98108_M16619-09176 (screenshots taken on April 16, 2021).
- 9. Below are screenshots from Zillow.com showing another example of a property that REX has co-listed with an MLS agent:

- 12 -

25

26

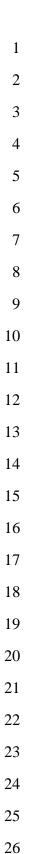
27

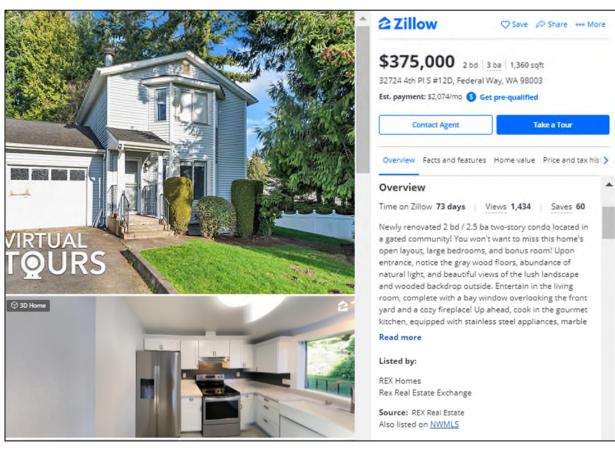
28

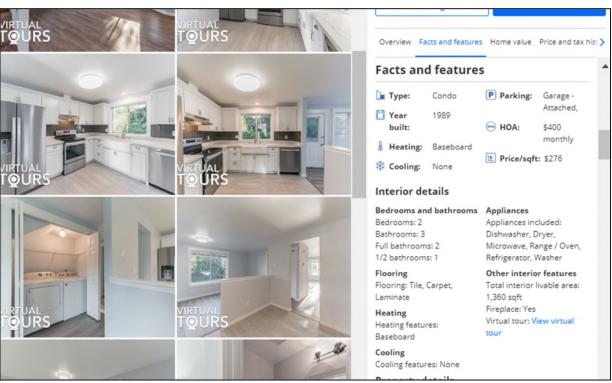
③ 3D Home



10. When you click on the link for REX Real Estate, next to "Also listed on," it takes you to the same property, as listed by REX Real Estate:







Price and tax history

Listing provided by

Report problem with listing

855-342-4739 Source: REX Real Estate

Listed for sale

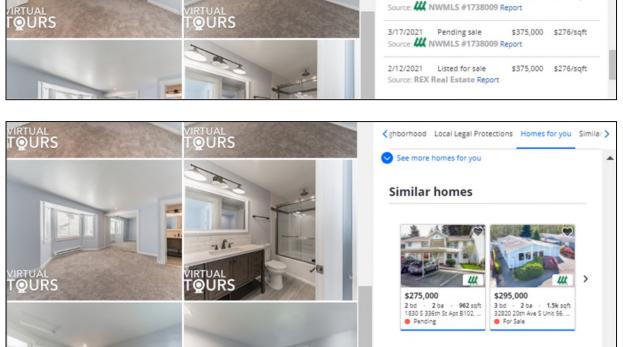
Price

\$375,000 \$276/sqft

Price history

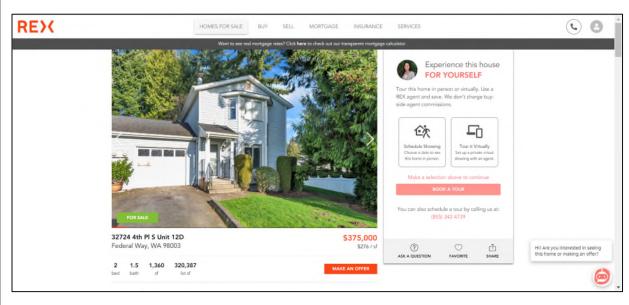
4/17/2021

QURS



https://www.zillow.com/homedetails/32724-4th-Pl-S-12D-Federal-Way-WA-98003/2075273736_zpid/ (screenshots taken on April 26, 2021).

11. When you click on "View virtual tour" in the "Facts and features" section of the property as listed by REX, you are taken directly to this listing on REX's website:



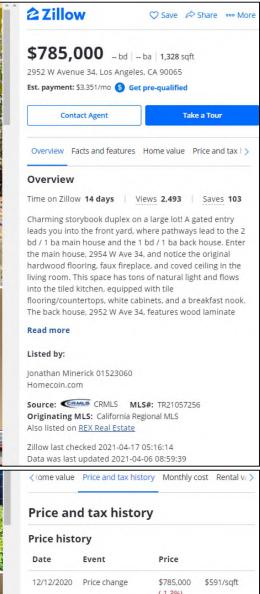
https://www.rexhomes.com/listing/32724-4th-pl-

<u>s?utm_source=zillow&utm_medium=organic&utm_campaign=listing&utm_content=default</u> (screenshot taken on April 26, 2021).

- 12. This same property is listed on Redfin.com, see https://www.redfin.com/WA/Federal-Way/32724-4th-Pl-S-98003/unit-12D/home/17826, as well as REALTOR.com, see https://www.realtor.com/realestateandhomes-detail/M2814197308.
- 13. Below are screenshots from Zillow.com of another example of a property that REX has co-listed with an MLS agent:

(2) 3D Home







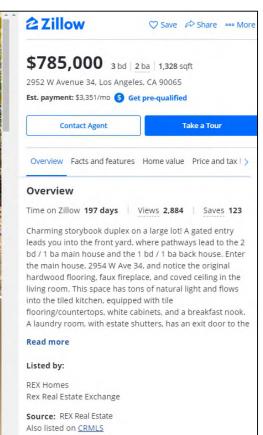
Source: Coldwell Banker Realty Report

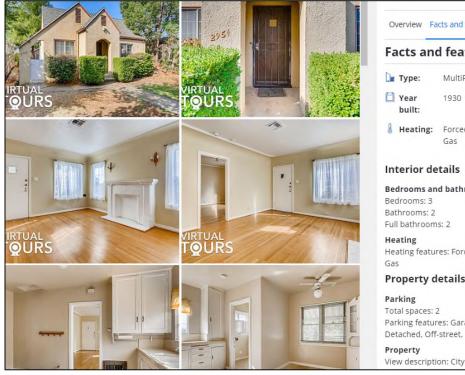
https://www.zillow.com/homedetails/2952-W-Avenue-34-Los-Angeles-CA-

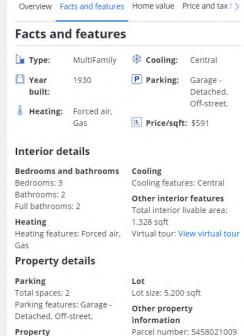
90065/20758424_zpid/ (screenshots taken on April 17, 2021).

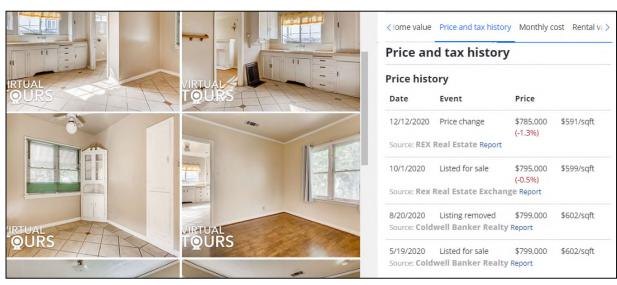
14. When you click on the link for REX Real Estate, next to "Also listed on," it takes you to the same property, as listed by REX Real Estate:

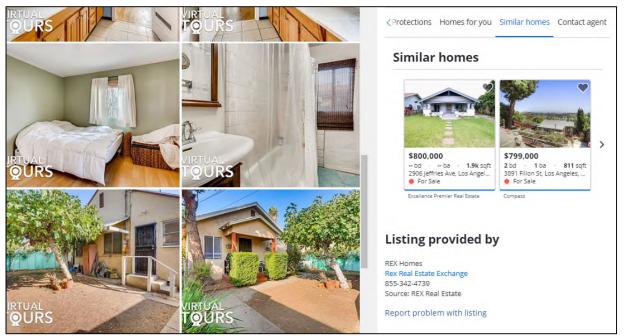






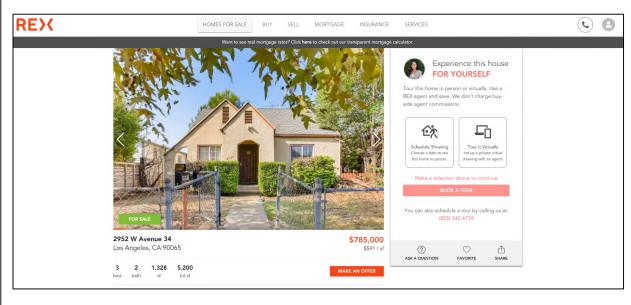






https://www.zillow.com/homedetails/2952-W-Avenue-34-Los-Angeles-CA-90065/20758424_zpid/?altId=4fe476fb91a35f766772de6ac2c1c2ba (screenshots taken on April 17, 2021).

15. When you click on "View virtual tour" in the "Facts and features" section of the property as listed by REX, you are taken directly to this listing on REX's website:

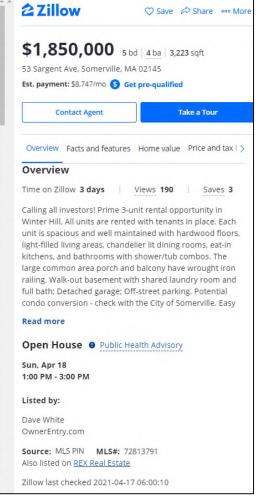


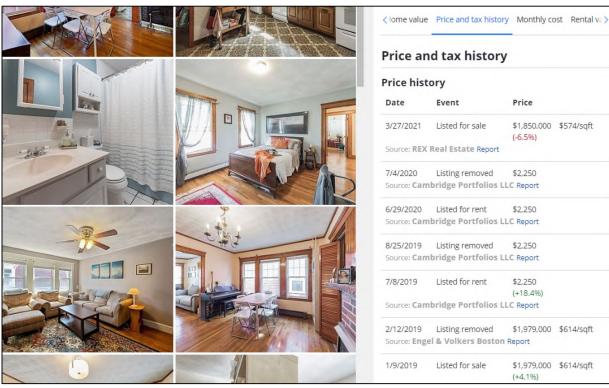
https://www.rexhomes.com/listing/2952-w-avenue-34-los-

<u>angeles?utm_source=zillow&utm_medium=organic&utm_campaign=listing&utm_content=de_fault_(screenshot taken on April 17, 2021).</u>

- 16. This same property is listed on Redfin.com, see https://www.redfin.com/CA/Los-Angeles/2952-W-Ave-34-90065/home/7073242, as well as REALTOR.com, see https://www.realtor.com/realestateandhomes-detail/M1142781698.
- 17. Below are screenshots from Zillow.com of another example of a property that REX has co-listed with an MLS agent:



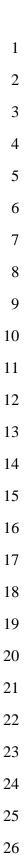


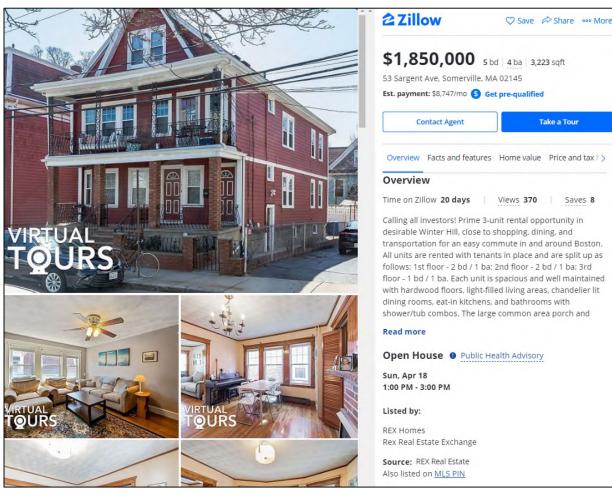


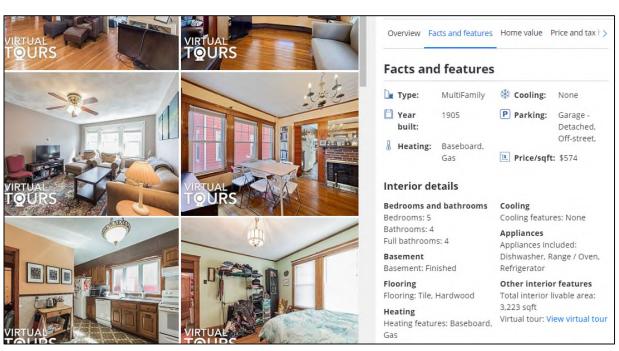
 $\underline{https://www.zillow.com/homedetails/53-Sargent-Ave-Somerville-MA-number of the action of the acti$

02145/2109152597_zpid/ (screenshots taken on April 17, 2021).

18. When you click on the link for REX Real Estate, next to "Also listed on," it takes you to the same property, as listed by REX Real Estate:







24

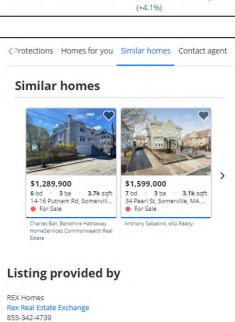
25

26

27

28





√ tome value Price and tax history Monthly cost Rental v
∈
>

Price

(-6.5%)

\$2.250

\$2,250

\$2,250

\$2,250

(+18.4%)

\$1,979,000 \$614/sqft

\$1,979,000 \$614/sqft

\$1,850,000 \$574/sqft

Price and tax history

Event

Source: REX Real Estate Report

6/29/2020 Listed for rent

8/25/2019 Listing removed

2/12/2019 Listing removed

Listed for sale

Listing removed Source: Cambridge Portfolios LLC Report

Source: Cambridge Portfolios LLC Report

Source: Cambridge Portfolios LLC Report

Listed for rent

Source: Cambridge Portfolios LLC Report

Source: Engel & Volkers Boston Report

Listed for sale

Price history

Date

3/27/2021

7/4/2020

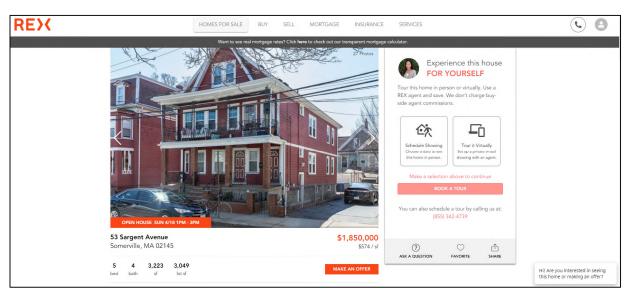
7/8/2019

1/9/2019

https://www.zillow.com/homedetails/53-Sargent-Ave-Somerville-MA-02145/2109152597_zpid/?altId=d2824dc5318a7ff72817570ac706e0e8 (screenshots taken on April 17, 2021).

When you click on "View virtual tour" in the "Facts and features" section of the 19.

property as listed by REX, you are taken directly to this listing on REX's website:



https://www.rexhomes.com/listing/53-sargent-

<u>avenue?utm_source=zillow&utm_medium=organic&utm_campaign=listing&utm_content=def</u> <u>ault</u> (screenshot taken on April 17, 2021).

20. This property is also listed on Redfin.com, see

https://www.redfin.com/MA/Somerville/53-Sargent-Ave-02145/home/8727577, as well as on REALTOR.com, see https://www.realtor.com/realestateandhomes-detail/M3594610218.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 29 day of April 2021, at Needham, MA